

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Cheetah Omni LLC,

*Plaintiff,*

vs.

**Alcatel-Lucent USA Inc., et al.**

*Defendants.*

HONORABLE LEONARD DAVIS

Case No. 6:11CV390

JURY TRIAL DEMANDED

**DEFENDANTS' PROPOSED FORM OF VERDICT**

In answering these questions, you are to follow all of the instructions I have given you in the Charge of Court.

1. Did Cheetah prove by a preponderance of the evidence that Tellabs directly and literally infringed any of the asserted claims of the patents listed below? If you decide that the independent claim in bold has not been infringed, the dependent claims cannot have been infringed.

**Answer "Yes" or "No" for each listed claim:**

**'459 Patent:**

**Claim 1:** \_\_\_\_\_

Claim 14: \_\_\_\_\_

Claim 15: \_\_\_\_\_

Claim 16: \_\_\_\_\_

**Claim 17:** \_\_\_\_\_

**'647 Patent:**

**Claim 1:** \_\_\_\_\_

Claim 9: \_\_\_\_\_

Claim 15: \_\_\_\_\_

Claim 16: \_\_\_\_\_

Claim 20: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 26: \_\_\_\_\_

2. Did Tellabs prove by clear and convincing evidence that any of the claims of the patents listed below are invalid as being obvious to a person of ordinary skill in the art at the time the application was filed?

**Answer “Yes” or “No” for each listed claim:**

**‘459 Patent:**

Claim 1: \_\_\_\_\_  
Claim 14: \_\_\_\_\_  
Claim 15: \_\_\_\_\_  
Claim 16: \_\_\_\_\_  
Claim 17: \_\_\_\_\_

**‘647 Patent:**

Claim 1: \_\_\_\_\_  
Claim 9: \_\_\_\_\_  
Claim 15: \_\_\_\_\_  
Claim 16: \_\_\_\_\_  
Claim 20: \_\_\_\_\_  
Claim 22: \_\_\_\_\_  
Claim 24: \_\_\_\_\_  
Claim 26: \_\_\_\_\_

3. Did Tellabs prove by clear and convincing evidence that any of the listed claims of the ‘647 patent are invalid for failing to disclose sufficient information to enable one skilled in the field of the invention, at the time the application was filed, to make and use the claimed invention?

**Answer “Yes” or “No” for each listed claim:**

**‘647 Patent:**

Claim 1: \_\_\_\_\_  
Claim 9: \_\_\_\_\_  
Claim 15: \_\_\_\_\_  
Claim 16: \_\_\_\_\_

Claim 20: \_\_\_\_\_  
Claim 22: \_\_\_\_\_  
Claim 24: \_\_\_\_\_  
Claim 26: \_\_\_\_\_

4. Did Tellabs prove by clear and convincing evidence that any of the listed claims of the '647 patent are invalid for failing to provide an adequate written description of the claimed invention?

**Answer "Yes" or "No" for each listed claim:**

**'647 Patent:**

Claim 1: \_\_\_\_\_

Claim 20: \_\_\_\_\_

Claim 9: \_\_\_\_\_

Claim 22: \_\_\_\_\_

Claim 15: \_\_\_\_\_

Claim 24: \_\_\_\_\_

Claim 16: \_\_\_\_\_

Claim 26: \_\_\_\_\_

5. Did Tellabs prove that Cheetah delayed filing this lawsuit such that laches should apply?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

6. If Cheetah has proven by a preponderance of the evidence that Tellabs has infringed at least one valid claim of the '459 or '647 patents, what amount of money, if any, do you find should be awarded to Cheetah as a reasonable royalty to compensate for any infringement by Tellabs?

Answer: \$ \_\_\_\_\_

7. Did Cheetah prove by a preponderance of the evidence that Fujitsu Network Communications, Inc. (“FNC”) directly and literally infringed any of the asserted claims of the patents listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_

Claim 13: \_\_\_\_\_

Claim 14: \_\_\_\_\_

**‘714 Patent:**

**Claim 5:** \_\_\_\_\_

**Claim 19:** \_\_\_\_\_

**‘862 Patent:**

**Claim 1:** \_\_\_\_\_

Claim 2: \_\_\_\_\_

Claim 3: \_\_\_\_\_

Claim 4: \_\_\_\_\_

Claim 5: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 20: \_\_\_\_\_

8. Did Cheetah prove by a preponderance of the evidence that FNC infringed under the doctrine of equivalents any of the asserted claims of the patent listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

**Answer “Yes” or “No” for each listed claim:**

**‘714 Patent:**

**Claim 5:** \_\_\_\_\_

**Claim 19:** \_\_\_\_\_

9. Did Cheetah prove by a preponderance of the evidence that FNC actively induced infringement of any of the asserted claims of the patents listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_

Claim 13: \_\_\_\_\_

Claim 14: \_\_\_\_\_

**‘714 Patent:**

**Claim 5:** \_\_\_\_\_

**Claim 19:** \_\_\_\_\_

10. Did Cheetah prove by a preponderance of the evidence that FNC committed contributory infringement of any of the asserted claims of the patents listed below? If you decide that the independent claim(s) in bold have not been infringed, the dependent claims cannot have been infringed.

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_

Claim 13: \_\_\_\_\_

Claim 14: \_\_\_\_\_

**‘714 Patent:**

**Claim 5:** \_\_\_\_\_

**Claim 19:** \_\_\_\_\_

11. Did FNC prove by clear and convincing evidence that any of the listed claims of the patents listed below are invalid as anticipated?

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_  
Claim 13: \_\_\_\_\_  
Claim 14: \_\_\_\_\_

**‘714 Patent:**

Claim 5: \_\_\_\_\_  
Claim 19: \_\_\_\_\_

**‘862 Patent:**

Claim 1: \_\_\_\_\_  
Claim 2: \_\_\_\_\_  
Claim 3: \_\_\_\_\_  
Claim 4: \_\_\_\_\_  
Claim 5: \_\_\_\_\_  
Claim 7: \_\_\_\_\_  
Claim 20: \_\_\_\_\_

12. Did FNC prove by clear and convincing evidence that any of the claims of the patents listed below are invalid as being obvious to a person of ordinary skill in the art at the time the application was filed?

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_  
Claim 13: \_\_\_\_\_  
Claim 14: \_\_\_\_\_

**‘714 Patent:**

Claim 5: \_\_\_\_\_  
Claim 19: \_\_\_\_\_

**‘862 Patent:**

Claim 1: \_\_\_\_\_  
Claim 2: \_\_\_\_\_  
Claim 3: \_\_\_\_\_  
Claim 4: \_\_\_\_\_  
Claim 5: \_\_\_\_\_  
Claim 7: \_\_\_\_\_  
Claim 20: \_\_\_\_\_

13. Did FNC prove by clear and convincing evidence that any of the listed claims of the listed patents are invalid for failing to disclose sufficient information to enable one skilled in the field of the invention, at the time the application was filed, to make and use the claimed invention?

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_

Claim 13: \_\_\_\_\_

Claim 14: \_\_\_\_\_

**‘714 Patent:**

**Claim 5:** \_\_\_\_\_

**Claim 19:** \_\_\_\_\_

**‘862 Patent:**

**Claim 1:** \_\_\_\_\_

Claim 2: \_\_\_\_\_

Claim 3: \_\_\_\_\_

Claim 4: \_\_\_\_\_

Claim 5: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 20: \_\_\_\_\_

14. Did FNC prove by clear and convincing evidence that any of the listed claims of the listed patents are invalid for failing to provide an adequate written description of the claimed invention?

**Answer “Yes” or “No” for each listed claim:**

**‘771 Patent:**

Claim 12: \_\_\_\_\_

Claim 13: \_\_\_\_\_

Claim 14: \_\_\_\_\_

**‘714 Patent:**

Claim 5: \_\_\_\_\_

Claim 19: \_\_\_\_\_

**‘862 Patent:**

Claim 1: \_\_\_\_\_

Claim 2: \_\_\_\_\_

Claim 3: \_\_\_\_\_

Claim 4: \_\_\_\_\_

Claim 5: \_\_\_\_\_

Claim 7: \_\_\_\_\_

Claim 20: \_\_\_\_\_

15. Did FNC prove that Cheetah delayed filing this lawsuit such that laches should apply?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

16. If Cheetah has proven by a preponderance of the evidence that FNC has infringed at least one valid claim of the '771, '862, or '714 Patents, what amount of money, if any, do you find should be awarded to Cheetah as a reasonable royalty to compensate for any infringement by FNC?

Answer: \$ \_\_\_\_\_

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DATE

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FOREPERSON